REMARKS

The Office Action mailed January 4, 2007 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-4 and 6-20 are now pending in this application. Claims 6 and 9 have been withdrawn by the Examiner from further consideration. Claims 10-20 are allowed. Claims 1, 3, 4 and 7 stand rejected. Claim 2 stands objected to.

Applicants acknowledge and thank the Examiner for the indication that Claim 2 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By the above amendment, Claim 2 has been rewritten in independent form to include all of the limitations of previously presented independent Claim 1.

The rejection of Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over German Patent Reference No. DE 34 42 194 (hereinafter referred to as "DE '194") in view of European Patent Reference No. 0 430 366 (hereinafter referred to as "EP '366") is respectfully traversed.

To the extent understood, DE '194 describes a dishwasher that includes a metering unit (3) for delivery of a liquid detergent to a rinsing container (5). The metering unit (3) includes a ventilated storage vessel (3a) for storing the liquid detergent and is in flow communication with a downstream chamber (3b). The liquid detergent flows from the vessel (3a) to the downstream chamber (3b). A pumping device (16) in the downstream chamber (3b) pumps the liquid detergent through a hose (7) into a dosing chamber (3c). In one embodiment, shown in Figures 3 and 4, the dosing chamber (3c) includes a filling mechanism (29) for filling the storage vessel (3a) with liquid detergent. The filling mechanism (29) enables a user to fill the storage vessel (3a) without removing the entire metering system from below the dishwasher.

The Examiner asserts at page 2 of the Office Action that DE '194 discloses "at least one dispenser (as at 8) comprising a body and pivoting cover (as at 3c) ..." Applicants respectfully traverse this assertion. Rather, to the extent understood, the dosing chamber (3c)

includes a liquid exit (8), a charging hole (31) and a volume adjuster (17). Notably, DE '194 does not describe or suggest a cover pivotably coupled to the dosing chamber (3c).

To the extent understood, EP '366 describes a dishwasher that includes a metering device mounted in a two-piece housing (10) within a door of the dishwasher. As shown in Figures 2 and 4, the metering device includes a rotatable dosing roller (14) forming two dosing areas (19, 20) defined by two recesses (17, 18). The housing (10) includes a mechanical drive (16) for rotating the roller (14). Before rotating the roller (14), a first dosing area is full with liquid detergent while a second dosing area is empty. When the roller (14) is rotated, a housing cover (25) opens to release liquid detergent stored in the first dosing area. Meanwhile, the second dosing area is filled by a storage vessel (30) through a charging hole (38). Notably, EP '366 does not describe or suggest at least one dispenser that includes a body having a trough and a cover pivotably coupled to the body, wherein the trough is stationary with respect to the body and configured to dispense liquid when the cover is in an open position.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither DE '194 nor EP '366, considered alone or in combination, describes or suggests the claimed combination. Further, in contrast to the Examiner's assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine DE '194 and EP '366, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching. Rather, only the conclusory statement, which Applicants respectfully traverse, that "[I]t therefore would have been obvious to one having ordinary skill in the art to modify the arrangement in Germany'194, to include a trough as taught by EP0'366, since this is considered to be a mere substitution of equivalents. ..." suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather,

there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck , 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, or any reasonable expectation of success has been shown.

Further, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It is also impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected in an attempt to arrive at the claimed invention. Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

Moreover, and to the extent understood, neither DE '194 nor EP '366, considered alone or in combination, describes or suggests the claimed invention. Specifically, Claim 1 recites a system for dispensing a liquid, the system positioned within a door assembly and including "a reservoir comprising a plurality of apertures disposed therein; and at least one dispenser in flow communication with said reservoir, said dispenser comprising a first and a second tube operatively coupled to said reservoir, said at least one dispenser further comprising a body comprising a trough and a cover pivotably coupled to said body, said trough stationary with respect to said body and configured to dispense liquid when said cover is in an open position."

Neither DE '194 nor EP '366, considered alone or in combination, describes or suggests the system for dispensing a liquid as recited in Claim 1. Specifically, neither DE '194 nor EP '366, considered alone or in combination, describes or suggests a system that includes at least one dispenser that includes a body having a trough and a cover pivotably

coupled to the body, wherein the trough is stationary with respect to the body and configured to dispense liquid when the cover is in an open position. Rather, in contrast to the present invention, DE '194 describes a metering unit (3) having a dosing chamber (3c) that includes a liquid exit (8), a charging hole (31) and a volume adjuster (17). Notably, DE '194 does not describe or suggest a cover pivotably coupled to a body of the dispenser. EP '366 merely describes a metering unit having a dosing roller (14) that forms dosing areas (19, 20) each defining a recess (17, 18).

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over DE '194 in view of EP '366.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 1 be withdrawn.

The rejection of Claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over DE '194 in view of EP '366 and further in view of U.S. Patent No. 3,013,568 to Getchell et al. (hereinafter referred to as "Getchell") is respectfully traversed.

DE '194 and EP '366 are described above. Getchell describes a dishwasher with a liquid dispenser (120) located between the inner and outer walls (52, 54) of a dishwasher door (30). The liquid dispenser (120) includes a reservoir (122) for holding liquid detergent. A liquid metering means (136) is located at the bottom of the reservoir (122). When the door (30) is upright (i.e., closed) and the dishwasher is in operation, the liquid metering means (136) uses two check valves and a piston (140) to dispense the liquid detergent into a dish chamber (24). When the piston (140) moves upward an inlet check valve (146) opens and allows liquid to flow into a cylinder (138). When the piston (140) subsequently moves downward, the piston (140) forces an outlet check valve (152) to discharge the liquid into the dish chamber (24) and also forces the inlet check valve (146) to close. Notably, Getchell does not describe or suggest a body having a trough and a cover pivotably coupled to the body, wherein the trough is stationary with respect to the body and configured to dispense liquid when the cover is in an open position.

Claim 1 recites a system for dispensing a liquid, the system positioned within a door assembly and including "a reservoir comprising a plurality of apertures disposed therein; and at least one dispenser in flow communication with said reservoir, said dispenser comprising a

first and a second tube operatively coupled to said reservoir, said at least one dispenser further comprising a body comprising a trough and a cover pivotably coupled to said body, said trough stationary with respect to said body and configured to dispense liquid when said cover is in an open position."

None of DE '194, EP '366, and Getchell, considered alone or in combination, describes or suggests the system for dispensing a liquid as recited in Claim 1. Specifically, none of DE '194, EP '366, and Getchell, considered alone or in combination, describes or suggests a system that includes at least one dispenser that includes a body having a trough and a cover pivotably coupled to the body, wherein the trough is stationary with respect to the body and configured to dispense liquid when the cover is in an open position. Rather, in contrast to the present invention, DE '194 describes a metering unit (3) having a dosing chamber (3c) that includes a liquid exit (8), a charging hole (31) and a volume adjuster (17). Notably, DE '194 does not describe or suggest a cover pivotably coupled to a body of the dispenser. EP '366 merely describes a metering unit having a dosing roller (14) that forms dosing areas (19, 20) that each define a recess (17, 18). Getchell describes a liquid metering means (136) that uses two check valves and a piston (140) to dispense the liquid detergent into a dish chamber (24).

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over DE '194 in view of EP '366 and further in view of Getchell.

Claims 3 and 4 depend from independent Claim 1. When the recitations of Claims 3 and 4 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 3 and 4 likewise are patentable over DE '194 in view of EP '366 and further in view of Getchell.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 3 and 4 be withdrawn.

The rejection of Claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over DE '194 in view of EP '366 and further in view of U.S. Patent No. 6,161,401 to Wunderlich et al. (hereinafter referred to as "Wunderlich") is respectfully traversed.

DE '194 and EP '366 are described above. Wunderlich describes a washing machine (10) with a top lid assembly (68) that includes a plastic dispenser housing (72) having a reservoir chamber (100). A dispensing chamber (102) is contained within the reservoir chamber (100) and has a dispenser spout (108). When the lid assembly (68) is upright, a person wishing to use the washing machine (10) can add liquid detergent to the reservoir chamber (100). Front walls (76, 78) are such that the chambers (100, 102) are inclined toward the dispensing chamber (102), which causes any fluid within the reservoir chamber (100) to move toward and fill the dispensing chamber (102) at a top opening when the lid assembly (68) is lowered. While the lid assembly (68) is upright, the operator can press a button (88) located at a bottom of the dispensing chamber (102) to release the fluid from the dispenser spout (108). Notably, Wunderlich does not describe or suggest a body having a trough and a cover pivotably coupled to the body, wherein the trough is stationary with respect to the body and configured to dispense liquid when the cover is in an open position. Further, Wunderlich does not use a pump, as claimed in dependent Claim 7, but a button (88) that is located at a bottom of the dispensing chamber (102) for releasing the fluid from the dispenser spout (108).

Claim 1 recites a system for dispensing a liquid, the system positioned within a door assembly and including "a reservoir comprising a plurality of apertures disposed therein; and at least one dispenser in flow communication with said reservoir, said dispenser comprising a first and a second tube operatively coupled to said reservoir, said at least one dispenser further comprising a body comprising a trough and a cover pivotably coupled to said body, said trough stationary with respect to said body and configured to dispense liquid when said cover is in an open position."

None of DE '194, EP '366, and Wunderlich, considered alone or in combination, describes or suggests the system for dispensing a liquid as recited in Claim 1. Specifically, none of DE '194, EP '366, and Wunderlich, considered alone or in combination, describes or suggests a system that includes at least one dispenser that includes a body having a trough and a cover pivotably coupled to the body, wherein the trough is stationary with respect to the body and configured to dispense liquid when the cover is in an open position. Rather, in contrast to the present invention, DE '194 describes a metering unit (3) having a dosing chamber (3c) that includes a liquid exit (8), a charging hole (31) and a volume adjuster (17).

Notably, DE '194 does not describe or suggest a cover pivotably coupled to a body of the dispenser. EP '366 merely describes a metering unit having a dosing roller (14) that forms dosing areas (19, 20) that each define a recess (17, 18). Wunderlich describes a button (88) that is located at a bottom of the dispensing chamber (102) for releasing fluid from the dispenser spout (108).

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over DE '194 in view of EP '366 and further in view of Wunderlich.

Claims 3 and 4 depend from independent Claim 1. When the recitations of Claims 3 and 4 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 3 and 4 likewise are patentable over DE '194 in view of EP '366 and further in view of Wunderlich.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 3 and 4 be withdrawn.

At page 3, paragraph 5, of the Office Action, Claim 7 appears to be rejected under 35 U.S.C. § 103(a) as being unpatentable over DE '194 in view of Wunderlich. This rejection is respectfully traversed.

DE '194 and Wunderlich are described above.

Applicants respectfully submit that the Section 103 rejection is not a proper rejection because the cited art does not provide some teaching, suggestion, or incentive that supports combining the cited art. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. In contrast to the Examiner's assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine DE '194 and Wunderlich because there is no teaching, motivation, or suggestion to combine the references. The Examiner has only provided the conclusory statement that it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the device of DE '194 to include a pump as described by Wunderlich for the purpose of positively dispensing fluid. Applicants traverse this assertion. Wunderlich does not use a pump, but a button (88) that is

located at a bottom of the dispensing chamber (102) to release the fluid from the dispenser spout (108).

Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

Moreover, and to the extent understood, neither DE '194 nor Wunderlich, considered alone or in combination, describes or suggests the claimed invention. Specifically, Claim 1 recites a system for dispensing a liquid, the system positioned within a door assembly and including "a reservoir comprising a plurality of apertures disposed therein; and at least one dispenser in flow communication with said reservoir, said dispenser comprising a first and a second tube operatively coupled to said reservoir, said at least one dispenser further comprising a body comprising a trough and a cover pivotably coupled to said body, said trough stationary with respect to said body and configured to dispense liquid when said cover is in an open position."

Neither DE '194 nor Wunderlich, considered alone or in combination, describes or suggests a system for dispensing liquid as recited in Claim 1. More specifically, neither DE '194 nor Wunderlich, considered alone or in combination, describes or suggests a system that includes at least one dispenser that includes a body having a trough and a cover pivotably coupled to the body, wherein the trough is stationary with respect to the body and configured to dispense liquid when the cover is in an open position. Rather, in contrast to the present invention, DE '194 describes a metering unit (3) having a dosing chamber (3c) that includes a liquid exit (8), a charging hole (31) and a volume adjuster (17). Notably, DE '194 does not describe or suggest a cover pivotably coupled to a body of the dispenser. Wunderlich merely describes a button (88) that is located at a bottom of a dispensing chamber (102) used to release fluid from a dispenser spout (108).

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over DE '194 in view of Wunderlich.

Claim 7 depends from independent Claim 1. When the recitations of Claim 7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 7 likewise is patentable over DE '194 in view of Wunderlich.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claim 7 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

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